President should consult more closely with politicians experienced in elective office. Too many people are impressed by tea and crumpets at the White House to speak plainly—and those who do are consigned to the category of undesirables. A distinguished journalist informed me that my name appeared on the enemies list because of my independence. If so, I wear my membership like a badge of honor. The President could not have better allies than those who tell the truth, and he neds them "now more than ever."

ALASKA PIPELINE QUESTIONS ANSWERED

SPEECH OF

HON. JOHN MELCHER

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1973

Mr. MELCHER. Mr. Speaker, our colleague, JOHN DINGELL, of Michigan, placed a letter in the CONGRESSIONAL RECORD on July 18, page H6299, in which he and nine other Members raised a series of points about the trans-Alaska pipeline legislation.

I have responded to these questions in a letter to all 10 cosigners dated July 20 which, for the information of my House colleagues, I am including at the conclusion of my remarks.

Since this letter was written, Mr. Speaker, the House Interior and Insular Affairs Committee has approved H.R. 9130 which is designed to authorize construction of the trans-Alaska pipeline.

However, in view of the fact that the House soon may be considering this important legislation I felt that this response should be available to all of the Members.

The letter follows:

JULY 20, 1973.

Hon. JOHN DINGELL,
U.S. House of Representatives,
Washington, D.C.

DEAR JOHN: Thanks for your July 16 letter concerning the pending legislation on the trans-Alaska pipeline. These comments on the points you raised are made as the Interior and Insular Affairs Committee now considers H.R. 9130 as amended by the Subcommittee on Public Lands. Your letter has been made a part of the Subcommittee hearing record.

The statement that H.R. 9130 is not limited to the Alaska pipeline is correct. The reason for this is as follows:

While the Court ruling applied directly only to the Alaska pipeline, its implications were much broader. That decision could, in fact, apply to all oil and gas pipeline applications issued under Section 28 of the Mineral Leasing Act now under construction in the lower 48 states as well as to many hundreds of lines that previously have been constructed under this authority where special land use permits have been issued by the various federal agencies that have gone beyond the Court announced width limitations. It appears that there are at least nine lines under construction that could be subject to injunctive action due to excessive widths granted by the agencies. While it is true that there is not a 48-inch line now under construction in the western United States, as is proposed in Alaska, there is no question that there are many pipelines under construction in the West that would be subject to the Court ruling. For this reason, it was the Subcommittee's conclusion that there was an urgency in taking care of not only the Alska pipeline problem, but that which also existed in the lower 48 states.

The Administration had proposed a grandfather clause to bring in these lines but, in drafting the legislation for introduction, this approach was rejected because it was felt not to be justified. It was felt that the Secretary should examine these lines carefully if they are challenged and then reissue the permits under the provisions of the revised Section 28.

The statement is additionally made that Title I gives the Secretary of the Interior authority in Alaska and elsewhere in the United States to grant wide swaths of rights-of-way without meaningful guidelines. This is incorrect.

Section 1 of H.R. 9130 does not give the Secretary of the Interior the right to exceed the now existing rights-of-way width which consists of 25 fect on each side of the pipeline except in limited areas and upon a showing of need. The change that was made by the Subcommittee merely permits the pipeline to be placed at any location within a 50-foot right-of-way and except for the above indicated provision for wider rights-of-way in limited areas, it does not expand the statutory width of the right-of-way. It is true that the Secretary is given authority to include rights-of-way for related facilities and that is carefully outlined in the bill. In addition, the Secretary is given authority to issue temporary permits for the use of public lands during construction, operation and maintenance of the pipeline.

Numerous restrictions have been placed upon the Secretary's authority that were not previously present in the existing statute. These are the right of the Secretary to make the right-of-way and permits subject to such terms and conditions as he sees fit, and to give consideration to the National Environmental Policy Act.

The terms of the permits will be limited to the shortest practical time. The rights-of-way are non-exclusive and reserve to the Secretary the right to issue additional rights-of-way for compatible uses within the existing pipeline rights-of-way if he so desires. This should substantially reduce the acreage of public lands committed to all rights-of-way.

For the first time, the statute will require an applicant to pay for all administrative costs for processing and will require a grantee to reimburse the United States for the costs of monitoring construction and operation as well as the payment of the fair market rental value of the right-of-way.

In addition, the Secretary must now notify the House and Senate Interior Committees of any application for a right-of-way for an oil or gas pipeline exceeding 24 inches in diameter.

Another point raised in your letter concerns construction of pipelines under Section 28 across reserved public lands such as national forests, wildlife refuges, and game ranges. There is no change in the existing statute and H.R. 9130 neither expands nor restricts whatever rights now may exist for pipelines to cross reserved public lands.

Your letter also makes the point that the approved right-of-way may be supplemented by temporary permits for the use of public lands in the vicinity of the pipeline. This already has been touched upon above and the only additional comment to be made is that the Subcommittee expects that the acreage involved in temporary permits will be held to the minimum feasible for the construction of the pipeline and for the protection of the environment in the vicinity. It also should be pointed out that the temporary use of public lands is needed for work camps, airfields, and disposal areas for pipelines in the lower 48 states to the same extent that it is needed in Alaska.

Your letter notes that the Secretary shall consider the environmental impact of a pipeline application as required by NEPA but feels that this requirement may not be extended to the so-called related facilities or to "temporary rights-of-way" or "additional rights-of-way." It is certainly the Subcommittee's intention that the Secretary shall consider the environmental impact not only of the pipeline itself but also of the related facilities, all temporary rights-of-way, and any permit issued for the temporary use of public lands in the vicinity.

Another issue raised by your letter is that the notification of the House and the Senate Committees regarding pipeline applications of more than 24 inches in diameter does not cover related facilities. It certainly is the intention of the Subcommittee that any related facilities constructed in connection with the pipeline of more than 24 inches in diameter will be covered.

While it is recognized that this provision does not give the committees any veto authority, it does give them a 60-day period in which to review the application and express their opinion. Certainly if both Committees agreed that the application was not in order, further legislative action could be taken.

In commenting in general upon Title I of H.R. 9130, I am firmly of the opinion that it introduces many improvements in existing law and places numerous restrictions upon the Secretary's present broad authority to grant pipeline rights-of-way under Section 28 of the Mineral Leasing Act.

Regarding Title II and Section 203 and the use of the word "mitigate" rather than "prevent," this appears to be a matter of word choice and I would note that in Section 1(c) on Line 8 of the Committee print, the word "prevent" has been used in somewhat similar circumstances.

Another point you make regards the prohibition of exporting oil from Alaska's pipeline. The Subcommittee amendment now provides that the President would have to make a finding that it was in the national interest and permit Congress to review this action for 60 days with the exports to cease upon passage of a concurrent resolution of disapproval.

As we also are engaged in trading and exchanging oil with both Canada and Mexico, any outright prohibition on exportation could well invite retaliation from these neighboring countries. This we cannot afford.

Best regards.

Sincerely,

JOHN MELCHER,
Chairman,
Subcommittee on Public Lands.

AMENDMENT TO RESTRICT THE CENTRAL INTELLIGENCE AGENCY

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1973

Mr. REUSS. Mr. Speaker, when the military procurement authorization bill, H.R. 9286, comes before us for amendment on Tuesday, I shall offer the following amendment:

Page 8, after line 15, insert the following and renumber subsequent sections accordingly:

SEC. 603. None of the funds authorized for appropriation pursuant to this Act shall be obligated or expended by the Central Intelligence Agency for purposes other than the collection, evaluation, and dissemination of information pertinent to the internal security of the United States.